IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8757 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SILDHA VIBHAGA JUNGLE KAMDAR SAHAKARI MANDLI LTD

Versus

SAPURBHAI P PATEL

Appearance:

MR DM THAKKAR for Petitioner

None present for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 12/01/2001

ORAL JUDGEMENT

Heard the learned counsel for the petitioner, perused the special civil application and the award of the Labour Court with the help of the learned counsel for the petitioner.

2. Learned Labour Court held under the impugned

award that the petitioner-Society does not have its certifying standing orders or bye-laws or has prescribed the age of superannuation of its employees and the model standing orders will apply to it employees, as a result of which, the respondent-workman is entitled to continue in service till the age of 60 years as provided under the model standing orders.

3. On the record of this special civil application, the petitioner has not produced original or certified copies of the certified standing orders or the bye-laws to prove and establish that thereunder the age of superannuation of its employees is provided different than what it is provided in the model standing orders. Reference has been made to document annexure `A' by the learned counsel for the petitioner. Learned counsel for the petitioner, on being asked by the Court has failed to produce the original document, annexure `A'. In the absence of original certified standing orders or the byelaws only on the basis of this typed copy, it is difficult to accept that the age of superannuation is provided by the Society for its employees of 55 years. Moreover, document annexure `A' also goes contrary to the contention raised by the learned counsel for the petitioner. As per the contention the age of superannuation of the employees of the Society is 55 years but in annexure `A' it is 50 years.

4. In the result, this special civil application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted stands vacated. No order as to costs.

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zgs/-